

Appl. No. 10/074,319
Amdt. Dated October 12, 2004
Reply to Office Action of June 9, 2004

REMARKS

Reconsideration of the application is requested.

Claims 1-14 are now in the application. Claims 1 and 3 have been amended. Claims 8-14 have been added.

In "Drawings" item 2 on page 2 of the above-identified Office Action, the Examiner objected to the drawings because of two (2) spelling errors in Fig. 1 and Fig. 2. The Examiner's suggested corrections have been made.

In "Claim Rejections - 35 USC § 102" item 4 on page 2 of the above-identified Office Action, claims 1 and 3-6 have been rejected as being fully anticipated by U.S. Patent No. 5,923,624 to Groeger, et al. (hereinafter **GROEGER**) under 35 U.S.C. § 102(b).

In "Claim Rejections - 35 USC § 103" item 6 on page 4 of the above-identified Office Action, claims 2 and 7 have been rejected as being obvious over **GROEGER** in view of U.S. Patent No. 5,867,776 to Noda (hereinafter **NODA**) under 35 U.S.C. § 103(a).

The rejections have been noted and the claims have been amended in an effort to even more clearly define the

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invention of the instant application. Support for the changes is found on pages 4, 7, 9, and 10 of the specification and in FIG. 5 of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a method for providing a radio with prerecorded messages for programmed playback including the steps of:

programming storage and playback circuitry with a message and message particulars;

connecting the storage and playback circuitry between a demodulator and an audio amplifier of a radio to **automatically initiate periodic replacement** of received radio signals with the message; and

inputting a signal from the demodulator to an audio integrated circuit of the storage and playback circuitry.

Independent claim 3 contains similar language. Claim 3 calls for, *inter alia*, an apparatus adapted to be connected to a radio including:

a storage and playback circuit connected between a demodulator and an audio amplifier of said radio; and

a timer to **automatically initiate periodic playback** of at least one prerecorded message by said storage and playback circuit.

New independent Claim 14 calls for, *inter alia*, a method for providing a radio with **at least one prerecorded message** for **automatic** programmed playback including the steps of:

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receiving a radio broadcast and playing at least a portion of the received radio broadcast;

determining whether an RDS signal is associated with the radio broadcast

upon determining that an RDS signal is present and detecting a regular programmed commercial in the received radio broadcast, **automatically playing the at least one prerecorded message instead**; and

otherwise periodically playing the at least one prerecorded message instead of a portion of the received radio broadcast.

The GROEGER reference discloses a car radio receiver with a recording unit for audio data. The recording unit 6 is located within a removable operating portion 4 of the radio receiver and includes a microphone 8 that facilitates the use of the recording unit 6 as a dictation device. The recording device 6 also includes digital buffer memory 14 and digital memory 12. The digital memory 12 receives information from a traffic radio decoder 24. More specifically, traffic radio decoder 24 is connected to the output of the radio demodulator 22 and monitors the demodulated signal for announcement identifiers of traffic information. Upon detecting traffic information, the traffic radio decoder 24 stores the traffic information in a first area of memory 12. By actuating a playback button 46, the content of memory 12 can be output at any time via playback unit 10. In contrast, the user of the radio described in the instant application

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has little control over when a message is played, because it is automatic and/or periodic.

The office action indicates that **GROEGER** discloses a controller and erroneously equates the memory controller in **GROEGER** with the micro controller of the instant application.

GROEGER states, "recording unit 6 is designed as a digital recording unit formed in a known manner from an analog/digital converter, a digital memory 12 with associated controller and a digital/analog converter arranged on the output end." (Col. 2, lines 21-25). Clearly, the controller in **GROEGER** is "associated" with digital memory 12 and is more likely a memory controller concerned with reading and writing operations to the digital memory and, depending on the type of digital memory being used, is also concerned with refreshing and recharging the digital memory.

In contrast, the micro controller of the instant application "serves as a timing and control device." More specifically, the claimed micro controller "directs which prerecorded message is to be played and when it is to be played" as recited in the instant application. The controller of **GROEGER** does not describe timing and control, nor is there specific mention of directing when and which prerecorded message is played.

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Clearly, **GROEGER** does not show automatic or periodic replacement of "received radio signals with the message" as recited in claim 1 of the instant application. Nor does **GROEGER** teach or suggest "a timer to automatically initiate periodic playback of at least one prerecorded message by said storage and playback circuit" as recited in claim 3 of the instant application.

The **NODA** reference discloses a receiver for text-based multiplex broadcasts. An FM text-based multiplex broadcasting receiver includes memory where an identity code may be written, a device for disclosing a keyword, and a display element for authorized information services. **NODA** also includes a determining circuit to identify whether a received identity code corresponds to the stored identity code. The **NODA** receiver displays information based data that either does not require an identity code or for which the appropriate identity code is stored in memory, but the **NODA** receiver does not display the information when a contract is required and the identity code is not stored in the memory of the receiver.

In many ways **NODA** operates in the opposite way from the instant application. Specifically, **NODA** waits for a received

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identity code to allow display of received information based on data for which the appropriate identity code is stored in memory. In contrast, the instant application replaces the "received information" with a prerecorded message. Thus instead of authorizing access to the broadcast data, the instant application is removing or replacing the broadcast data.

Clearly, **NODA** does not show automatic initiation of a "periodic replacement of received radio signals" with a prerecorded message as recited in claim 1 of the instant application. Nor does **NODA** teach or suggest "a timer to automatically initiate periodic playback of at least one prerecorded message by said storage and playback circuit" as recited in claim 3 of the instant application.

New claims 8-13 clarify the automatic detection and replacement of portions of the received radio broadcast with prerecorded messages. For example, claim 13 discusses the detection of a regular commercial and initiating a periodic playback process.

New claim 14 describes a method for operating a radio with at least one prerecorded message for automatic programmed

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playback. The radio may either operate in an RDS commercial replacement mode or in a periodic replacement mode.

It is accordingly believed to be clear that neither **GROEGER** nor **NODA**, whether taken alone or in any combination, either show or suggest the features of claims 1, 3, or 14. Claims 1, 3, and 14 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1 and 3.

In view of the foregoing, reconsideration and allowance of claims 1-14 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$55.00 in accordance with Section 1.17 is enclosed herewith.

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If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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KHF:cgm

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